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# STATE REGISTER

STATE OF MINNESOTA

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VOLUME 4, NUMBER 30

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#### Volume 4 Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 4			
31	Monday Jan 21	Monday Jan 28	Monday Feb 4
32	Monday Jan 28	Monday Feb 4	Monday Feb 11
33	Monday Feb 4	Monday Feb 11	Monday Feb 18
34	Monday Feb 11	Friday Feb 15	Monday Feb 25

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of Public Hearings on proposed rules are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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# CONTENTS

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## **MCAR AMENDMENTS AND ADDITIONS**

Inclusive listing for Issue 27-30 ..... 1192

## **PROPOSED RULES**

### **Public Hearings on Agency Rules**

February 4-8, 1980 ..... 1193

### **Transportation Department**

Minnesota Rail Service Improvement Program ..... 1193

Rail Use Loan Guarantee Program ..... 1200

## **ADOPTED RULES**

### **Agriculture Department**

#### **Food, Meat and Poultry Division**

Nonalcoholic Beverages: Definitions, Standards,  
Restrictions, Labeling and Manufacturing  
Requirements ..... 1204

### **Public Safety Department**

#### **Driver and Vehicle Services Division**

Alcohol Related Driver License Revocations ..... 1204

### **Public Welfare Department**

#### **Health Department**

#### **Public Safety Department**

Merit System Rules Governing Compensation Plan;  
Salary Adjustments and Increases; and  
Classification Plan ..... 1204

Merit System Rules Governing the Compensation Plan;  
the Classification Plan; the Classification Plan;  
Separation, Tenure and Reinstatement; and Leaves  
of Absence ..... 1205

## **SUPREME COURT**

Decisions Filed Friday, January 18, 1980 ..... 1206

## **STATE CONTRACTS**

### **Economic Security Department**

#### **Office of Statewide CETA**

#### **Coordination**

Operation of CETA/Education Model Linkage  
Projects ..... 1208

### **Economic Security Department**

#### **Vocational Rehabilitation**

Management Consultation Contract ..... 1208

### **Education Department**

#### **School Management Services Division**

Review of Personnel and Payroll System ..... 1208

### **Education Department**

#### **Instruction Division**

Opening for Writer to Develop Energy Information  
Booklet for Teachers (Correction of earlier  
published notice) ..... 1209

### **Metropolitan Council**

Engineering Services ..... 1209

### **Minnesota Community College System**

#### **Minneapolis Community College**

Development of Promotional Campaign ..... 1209

### **Public Safety Department**

#### **Office of Public Information**

Television Public Service Filming Contract ..... 1210

## **OFFICIAL NOTICES**

### **Agriculture Department**

#### **Agronomy Services Division**

Special Local Need Registration for Pramex 13.3%  
Emulsifiable Concentrate ..... 1210

Special Local Need Registration for Ramrod  
Flowable ..... 1210

### **Commerce Department**

#### **Insurance Division**

Petitions for Hearing Challenging Manual Rules,  
Docket No. INS-80-003-MG (Notice of  
Hearing) ..... 1211

### **Ethical Practices Board**

Advisory Opinion #60 Regarding Allocation  
Expenditures and Aggregating Contributions ..... 1211

### **Health Department**

#### **Emergency Medical Services Section**

Application for Licensure by Bio Medical Research  
Associates, Inc., and Notice of Public  
Hearing ..... 1212

### **Minnesota State Retirement System**

Regular Meeting, Board of Directors ..... 1212

### **Natural Resources Department**

#### **Soil and Water Conservation Board**

Notice of Meeting Cancellation ..... 1212

### **Board of Nursing**

Meetings and Availability of Information Pertaining  
to Adjudicatory Actions ..... 1213

### **Public Welfare Department**

#### **Chemical Dependency Division**

Licensing and Operation of Receiving Centers for  
Intoxicated Persons ..... 1213

### **Transportation Department**

State Rail Plan Meetings ..... 1213

## NOTICE

### How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

#### The **PROPOSED RULES** section contains:

- Proposed new rules (including Notice of Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

#### The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

All **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the MCAR **AMENDMENTS AND ADDITIONS** list on the following schedule:

Issues 1-13, inclusive  
Issues 14-25, inclusive  
Issue 26, cumulative for 1-26  
Issue 27-38, inclusive

Issue 39, cumulative for 1-39  
Issues 40-51, inclusive  
Issue 52, cumulative for 1-52

The listings are arranged in the same order as the table of contents of the MCAR.

# MCAR AMENDMENTS AND ADDITIONS

## TITLE 2 ADMINISTRATION

### Part 1 Administration Department

2 MCAR §§ 1.10111 (proposed) .....1149

## TITLE 3 AGRICULTURE

### Part 1 Agriculture Department

3 MCAR §§ 1.0190-1.0192, Agr 190-192 (proposed) .....1125

3 MCAR §§ 1.4801-1.4804 (adopted) .....1204

## TITLE 4 COMMERCE

### Part 3 Public Service Department

4 MCAR §§ 3.0230-3.0233 (proposed) .....1091

## TITLE 5 EDUCATION

### Part 1 Education Department

5 MCAR §§ 1.0800, 1.0805 (adopted temporary) .....1133

## TITLE 7 HEALTH

### Part 1 Health Department

7 MCAR §§ 1.238, 1.249-1.250 (adopted) .....1205

7 MCAR §§ 1.239, 1.250, 1.260, 1.269, 1.314 (adopted) .....1204

## TITLE 11 PUBLIC SAFETY

### Part 1 Public Safety Department

11 MCAR § 1.2093 (adopted) .....1205

11 MCAR §§ 1.2094, 1.2116, 1.2140 (adopted) .....1204

11 MCAR §§ 1.4081-1.4090 (Driv Lic 81-90) (adopted) .....1204

### Part 2 Corrections Department

11 MCAR §§ 2.401-2.404, 2.408, 2.412, 2.416, 2.418, 2.420, 2.424, 2.428, 2.432, 2.436, 2.440, 2.444-2.446, 2.456, 2.460, 2.464, 2.470, 2.474, 2.478, 2.482, 2.486, 2.490 (adopted) .....1104

## TITLE 12 SOCIAL SERVICES

### Part 2 Public Welfare Department

12 MCAR § 2.014 (adopted temporary) .....1174

12 MCAR § 2.052 (proposed) .....1097

12 MCAR § 2.163 (proposed) .....1128

12 MCAR § 2.200 (proposed temporary) .....1164

12 MCAR §§ 2.490-2.491 (proposed) .....1095

12 MCAR §§ 2.493, 2.503-2.504, 2.581, 2.586, 2.588, 2.592-2.593, 2.621-2.625, 2.640, 2.646, 2.654, 2.840 (adopted) .....1205

12 MCAR §§ 2.494, 2.516, 2.578-2.579, 2.619, 2.655-2.656, 2.693, 2.840 (adopted) .....1204

12 MCAR §§ 2.494, 2.516, 2.578-2.579, 2.619, 2.655-2.656, 2.693, 2.840 (adopted) .....1204

12 MCAR §§ 2.494, 2.516, 2.578-2.579, 2.619, 2.655-2.656, 2.693, 2.840 (adopted) .....1204

12 MCAR §§ 2.494, 2.516, 2.578-2.579, 2.619, 2.655-2.656, 2.693, 2.840 (adopted) .....1204

12 MCAR §§ 2.494, 2.516, 2.578-2.579, 2.619, 2.655-2.656, 2.693, 2.840 (adopted) .....1204

12 MCAR §§ 2.494, 2.516, 2.578-2.579, 2.619, 2.655-2.656, 2.693, 2.840 (adopted) .....1204

12 MCAR §§ 2.494, 2.516, 2.578-2.579, 2.619, 2.655-2.656, 2.693, 2.840 (adopted) .....1204

12 MCAR §§ 2.494, 2.516, 2.578-2.579, 2.619, 2.655-2.656, 2.693, 2.840 (adopted) .....1204

12 MCAR §§ 2.494, 2.516, 2.578-2.579, 2.619, 2.655-2.656, 2.693, 2.840 (adopted) .....1204

12 MCAR §§ 2.494, 2.516, 2.578-2.579, 2.619, 2.655-2.656, 2.693, 2.840 (adopted) .....1204

12 MCAR §§ 2.494, 2.516, 2.578-2.579, 2.619, 2.655-2.656, 2.693, 2.840 (adopted) .....1204

12 MCAR §§ 2.494, 2.516, 2.578-2.579, 2.619, 2.655-2.656, 2.693, 2.840 (adopted) .....1204

12 MCAR §§ 2.494, 2.516, 2.578-2.579, 2.619, 2.655-2.656, 2.693, 2.840 (adopted) .....1204

12 MCAR §§ 2.494, 2.516, 2.578-2.579, 2.619, 2.655-2.656, 2.693, 2.840 (adopted) .....1204

12 MCAR §§ 2.494, 2.516, 2.578-2.579, 2.619, 2.655-2.656, 2.693, 2.840 (adopted) .....1204

12 MCAR §§ 2.494, 2.516, 2.578-2.579, 2.619, 2.655-2.656, 2.693, 2.840 (adopted) .....1204

12 MCAR §§ 2.494, 2.516, 2.578-2.579, 2.619, 2.655-2.656, 2.693, 2.840 (adopted) .....1204

12 MCAR §§ 2.494, 2.516, 2.578-2.579, 2.619, 2.655-2.656, 2.693, 2.840 (adopted) .....1204

12 MCAR §§ 2.494, 2.516, 2.578-2.579, 2.619, 2.655-2.656, 2.693, 2.840 (adopted) .....1204

# PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new rule or amendment. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Public Hearings on Agency Rules February 4-8, 1980

Date	Agency and Rule Matter	Time & Place
Feb. 4	Economic Development Dept. Business Loans to Indians Hearing Examiner: Jon L. Lunde	7:30 p.m., Rm. 125, State Capitol Bldg., St. Paul, MN
Feb. 5	Same as above	7:30 p.m. Tribal Chambers Room, Neighborhood Family Center, Cass Lake, MN
Feb. 5	Personnel Dept. Depositing of Social Security Contributions Hearing Examiner: George Beck	9:30 a.m., Large Conference Rm., Personnel Dept. 3rd Floor Space Center Bldg., 444 Lafayette Rd., St. Paul, MN
Feb. 8	Cosmetology Board Continuing Education for Licensed Senior Instructors Hearing Examiner: Jon L. Lunde	9:30 a.m., Hearing Rm., Dept. of Commerce, 500 Metro Square Bldg., 7th & Robert Sts., St. Paul, MN

## Department of Transportation

### Proposed Rules Concerning Implementation of the Minnesota Rail Service Improvement Program

#### Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4, in Room 125, State Capitol Building, located at Saint Paul, Minnesota on March 4th, 1980, commencing at 10:00 a.m. and continuing until all persons have had an opportunity to be heard.

The Commissioner of Transportation has been granted the

statutory authority to promulgate rules governing the Minnesota Rail Service Improvement Program in Minn. Stat. § 222.50, subd. 3(d) (1979 Supp.). The proposed amended rules would, if adopted: 1) Merge, the state rail service improvement program with the Federal Rail Service Continuation program. 2) Set out procedures whereby the state may request confidential railroad shipping, commercial and financial information.

A copy of the proposed amended rules is attached. Limited additional copies are now available and may be obtained by writing to the Minnesota Department of Transportation (Attention: Sherri Y. Alston, Assistant Commissioner for Public Transportation), 413 Transportation Building, Saint Paul, Minnesota 55155. The proposed amended rules will be available at the door on the date of the hearing.

The proposed amended rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule, you are urged to participate in the rule hearing process.

Following the department's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to Harry S. Crump, Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone (612) 296-8111 either before the hearing or within five working days after the close of the hearing. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. For those wishing to submit written statements or exhibits it is requested that at least three (3) copies be furnished. In addition, it is suggested to save time and avoid duplication that those persons, organizations or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement on behalf of such interests. All such statements will be entered into and become part of the record. The rule hearing procedure is governed by Minn. Stat. §§ 15.0411-15.0417 and 15.052, and by 9 MCAR §§ 2.101-2.112 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the hearing examiner.

Twenty-five days prior to the hearing, a Statement of Need

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike-outs** indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. **Strike-outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

## PROPOSED RULES

and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rule. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimum charge.

The department estimates that there will be no cost to local bodies in the state to implement the rule for the two years immediately following its adoption within the meaning of Minn. Stat. § 15.0412, subd. 7 (1978).

Notice: any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted or resubmitted to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner, in the case of the hearing examiner's report, or to the agency, in the case of the agency's submission or resubmission to the Attorney General.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

b) Who spends more than \$250, not including *his own* traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

"Lobbyist" does not include any:

(a) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity.

(b) Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

(c) Individual wholly engaged in selling goods or services to be paid for by public funds;

(d) News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert witness whose testimony is requested by the body before which he is appearing, but only to the extent of preparing or delivering testimony; or

(f) Stockholder of a family farm corporation is defined in § 500.24, subd. 1 who does not spend over \$250 excluding *his own* travel expenses, in any year in communicating with public officials; or

(g) Party or his representative appearing to present a claim to the legislature and communicating to legislators only by the filing of claim form and supporting documents and by appearing at public hearings on the claim.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

January 14, 1980

Richard P. Braun  
Commissioner of Transportation

### Amendments as Proposed

#### 14 MCAR § 1.4000 General provisions.

A. Authority. The ~~State Planning Agency~~ Commissioner of the Minnesota Department of Transportation is authorized to adopt rules ~~and regulations~~ necessary to carry out the provisions of "the Minnesota Rail Service Improvement Act" pursuant to ~~Laws of 1976, ch. 204, § 5.~~ Minn. Stat. § 222.50, subd. 3 (d)(1979 Supp.).

B. Purpose. The purpose of the Minnesota Rail Service Improvement Program and these ~~regulations~~ rules is to improve rail service by providing state funds in a revolving account ~~to be used in conjunction with funds from the Federal Rail Service Continuation Program~~ for the establishment of contracts between the state, rail users, and railroads for ~~rehabilitating needed rail lines~~ rail line rehabilitation and other rail service improvement projects.

C. Definitions. The following terms as they appear in these rules ~~and regulations~~ shall have the following meanings:

1. "Act" means the Minnesota Rail Service Improvement Act, ~~Laws of 1976, ch. 204, § 5.~~ Minn. Stat., §§ 222.48-222.54.

2. ~~"Agency" means the Minnesota State Planning Agency.~~

2. "Bankrupt railroad" means any railroad corporation which has filed a petition in the United States District Court stating that it is insolvent or unable to meet its debts as they mature, and that it desires to effect a plan of reorganization, which petition has been approved by said United States District Court, all within the meaning of 11 U.S.C. § 205(a).

3. "Capital improvements" means the purchase, rehabilitation, construction or reconstruction of physical facilities or equipment to improve rail service. Operating expenses are not considered capital improvements.

4. "Collateral" means the security pledged for the loan which may include but is not limited to land, buildings, machinery, equipment, furniture, fixtures, accounts receivable, marketable securities, cash surrender value of life insurance, and assignment of leases or leasehold interests.

5. "Commissioner" means the Commissioner of the Minnesota Department of Transportation.

6. "Demonstration project" means an experimental project to improve rail service that has general application within the state but is not traditionally associated with rail transportation.

7. "Department" means the Minnesota Department of Transportation.

8. "Federal rail service continuation program" means any federal program created under the Railroad Revitalization and Regulatory Reform Act of 1976, Public Law 94-210, as amended and as implemented by federal regulations.

9. "Loan" means interest-free money requiring repayment.

10. "Personal guarantee" means an individual or corporate obligation to repay the loan.

11. ~~3.~~ "Rail line" means railroad roadbeds, right-of-way, track structure and other appurtenances of railroad right-of-way, including, but not limited to, public-use sidings.

12. ~~5.~~ "Rail user" means any financially responsible shippers, consignors, consignees, or other ~~entities~~ entity, including political subdivisions of the state or legal organizations of such ~~entities~~, and their legal entities, that depend upon the movement of goods by rail service and that offer financial assistance in maintaining or improving that rail service improving and maintaining that rail service.

13. ~~4.~~ "Railroad" means a common carrier by railroad as defined in § 1(3) of the Interstate Commerce Act, 49 U.S.C. § 1(3).

14. "Rail rehabilitation" means the rebuilding of a rail line or portions thereof and/or the implementation of other allied projects that will improve rail service.

6. "Rehabilitation" means reconstructing a rail line or portions thereof in order to improve rail service or to construct a new rail line to replace the existing one.

7. "Rehabilitation program" means the program for providing state funds for establishing contracts to rehabilitate rail lines as provided for in the act.

15. ~~8.~~ "State Rail Plan" means the plan prepared and adopted by the Agency department as provided for in the act.

16. ~~9.~~ "State Rail Service Improvement Account"

means the special revenue account created in the state treasury by the act.

17. "Subsidy payments" means the payment for all costs incurred by a railroad which exceed the revenues obtained from operating the line when the line has been abandoned pursuant to Interstate Commerce Commission regulations, 49 CFR 1121. Said costs shall be computed according to Interstate Commerce Commission accounting procedures as set forth in 49 CFR 1121.

18. ~~10.~~ For purposes of these ~~regulations~~ rules, certain terms ~~or words~~ shall be interpreted as follows: The word "shall" is mandatory, not permissive; the word "may" is permissive.

**14 MCAR § 1.4001 Program criteria, rail rehabilitation.**

**A. Eligibility.**

1. Rail line. A rail line, or portions of the rail line, is eligible if it does not meet Class II Standards according to the Federal Railroad Administration, Office of Safety, Track Safety Standards or if it does not have the required strength to support railroad cars whose gross weight is 263,000 lbs. or more; and if it is within the physical boundaries of Minnesota or predominantly serves rail users in Minnesota, thereof, that does not meet Class II Track Safety Standards as defined by the Federal Railroad Administration, or that does not have the required structural capacity to support rail cars of 263,000 pounds gross weight, and that is within the physical boundaries of or predominantly serves rail users in Minnesota, is eligible. At the discretion of the commissioner, rail lines belonging to a bankrupt railroad requiring rehabilitation to allow continued service of statewide significance may also be eligible for funding.

2. Project. A rail project is eligible for funding if it has both a responsible rail user and a railroad that are willing to enter into a contract for rehabilitation according to guidelines set down in these rules and regulations. A rehabilitation project is eligible for funding if an agreement has been negotiated which meets the requirements of the act, these rules and, when federal funds are used, applicable federal laws and regulations.

B. ~~C.~~ Priority criteria. The following criteria shall be used to establish the priority of projects proposed for funding, until such time as the State Rail Plan, as prepared by the Agency is completed and approved of in formal hearings. At such time, the priority criteria identified in the State Rail Plan shall take effect. Until such time, higher priority shall be given to projects that:

1. have a higher committed nonstate share of project costs
2. have greater potential traffic volume per mile of track
3. have greater potential of repaying the rehabilitation costs

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## PROPOSED RULES

~~4. have less available alternative transportation facilities-~~

- ~~1. The availability of state and federal program funds.~~
- ~~2. The probability of the rail line continuing in profitable service after the project is completed.~~
- ~~3. The costs of the project compared to the benefits resulting from the project.~~
- ~~4. The level of commitment of a railroad and rail users to participate financially in the project.~~
- ~~5. The need for the line as part of the overall rail system.~~

### C. ~~D.~~ Standards- and phasing.

~~1. Operation. Railroad service shall be provided by the railroad to adequately meet the needs of the rail users within the constraints of Interstate Commerce Commission (ICC) regulatory requirements and operational limitations. The agency or rail users may bring a complaint before the ICC to force the provision of adequate service. The contract shall stipulate a desired level of service on the rehabilitated line during the effective period of the contract.~~

~~1. Rail line rehabilitation shall be performed to the extent that it allows the use of 263,000 pounds gross weight railroad cars and meets Federal Railroad Administration Class II Track Safety Standards. The commissioner may approve rehabilitation to a higher Federal Railroad Administration Track Safety Standard if it is necessary for providing a required level of service.~~

~~2. Rehabilitation may be accomplished in separate stages if the final result meets the standards of number 1., above.~~

### D. ~~B.~~ Project funding.

~~1. The agency may, within program fund limitations, provide eligible projects with up to two thirds of the total amount of the contract. The extent of state participation shall be determined by the agency according to the following factors:~~

- ~~a. the ability of a railroad and rail users to participate financially in the project.~~
- ~~b. the probability of the line profiting over a long period of time.~~
- ~~c. the probable social and economic impact on communities, regions, and state if the rehabilitation is not carried out.~~
- ~~d. the availability of state program funds.~~

~~1. For rail line rehabilitation and related projects on lines not owned by bankrupt railroads, the division of costs shall be by the following formula.~~

~~a. The commissioner may make a grant or interest-free loan or combination thereof of state and federal funds of up to 90% of the total cost of a project. In no event shall the grant exceed 60% of the project cost.~~

~~b. Rail users shall loan the railroad a minimum of 10% of the cost of a project.~~

~~c. The railroad shall furnish a minimum of 20% of the cost of a project, and shall repay all loans from the rail users and the State.~~

~~2. Rail users shall provide a minimum of one-third and may provide up to two-thirds of the total contract amount. Railroad participation may be up to two-thirds of the total contract amount. Railroad participation may be up to two-thirds of the total contract amount.~~

~~2. If a rehabilitation project is on a rail line owned by a bankrupt railroad the division of costs shall be by the following formula:~~

~~a. The commissioner may make a grant or interest free loan or combination thereof of state and federal funds up to 90% of the total cost of a project. In no event shall the grant exceed 60% of the project cost.~~

~~b. Rail users shall loan the railroad a minimum of 10% of the total cost of a project.~~

~~c. The railroad may be required to furnish a portion of the cost of the project and shall repay all loans from the rail users and the state.~~

~~3. In-kind participation. Participation in a contract by any party may include, but not be limited to, non-monetary contributions such as materials, labor, land or other contributions if agreed ~~of~~ to by all parties to the contract. The ~~A~~amount and fair market value of all in-kind participation shall be clearly ~~set out~~ defined in the contract.~~

~~E. Rehabilitation. Rail rehabilitation shall be carried out to the extent that it allows the use of 263,000 pound gross weight railroad cars and meets Federal Railroad Administration, Class II, Track Safety Standards. The state shall not participate in contracts that allow for less than the above standards and shall not contribute to the additional cost of rehabilitating the line in excess of these standards.~~

### E. Repayment requirements.

~~1. The railroad shall reimburse the rail users for funds loaned to them in accordance with a formula based on usage of the line, or a pre-determined fixed amount. Repayments shall be made on a quarterly basis. The terms of repayment shall be sufficient so as to assure repayment in ten years or less.~~

~~2. The railroad shall repay the commissioner for funds loaned to them at a pre-determined fixed amount on a quarterly basis. The repayment shall commence upon completion of the requirement to repay the rail users, and extend over a period not to exceed ten years.~~

~~3. The rehabilitation contract shall provide for an extension of time in the event of any cessation or reduction of service unless such cessation or reduction is the result of no demand for service.~~

## **~~14 MCAR § 1.4002 Program administration.~~**

### A. Applications.

~~1. Railroad applications. Applications from railroads shall include:~~



- a. ~~a description of the rehabilitation project proposed, including the extent of rehabilitation proposed.~~
- b. ~~the estimated cost of rehabilitation.~~
- c. ~~the amount of traffic on the line.~~
- d. ~~present and projected operational and maintenance costs.~~
- e. ~~present and projected revenues attributed to the railroad from shipments on the line.~~
- f. ~~a list of the shippers and receivers on the line.~~
- g. ~~the amount of funding the applicant is prepared to invest in the project.~~

2. ~~Rail user applications. Applications for rehabilitation from rail users shall include:~~

- a. ~~a description of the project proposed.~~
- b. ~~the amount of traffic on the line.~~
- c. ~~the amount of potential traffic on the line.~~
- d. ~~the amount of shipping done by truck.~~
- e. ~~the rates for both truck and rail shipping.~~
- f. ~~a list of shippers and receivers on the line.~~
- g. ~~the amount of funds the rail users on the line are prepared to contribute to the project.~~

3. ~~The agency may provide application forms and may request further information from an applicant or other potential parties to the contract to aid in the establishment of eligibility and priority.~~

B. ~~Determination of eligibility. Upon receipt of application and all required information, the agency shall determine whether or not a line is eligible. The agency shall then contact the other potential party to the contract to determine whether that party is willing to participate in a rehabilitation project, and if so to what extent. If there is a rail user, a railroad, and the state, prepared to enter into a contract and if the proposed amount of funds equals the total project cost and all other requirements are met, the project shall be declared eligible and a priority ranking made.~~

C. ~~Priority ranking. Priority ranking shall be based on criteria identified in 14 MCAR § 1.4001 D. of these rules and regulations. Information requested and not received or not arranged for within 30 days of the request may be considered adequate reason for the elimination of the project from consideration for funding.~~

## ~~D. Contract.~~

1. ~~Contracts for rehabilitation projects may include but may not necessarily be limited to the following provisions:~~

- a. ~~the specific portions of trackage and rail line to be rehabilitated.~~
- b. ~~the level of rehabilitation to be done.~~
- c. ~~the plans, specifications, and estimates of materials, cost, and time.~~
- d. ~~the amount of funds, or other items of value to be contributed by each party to contract.~~
- e. ~~set a desirable level of service to be provided on the rehabilitated line during the contract effective period.~~
- f. ~~assurance that maintenance shall be performed on the line by the railroad.~~
- g. ~~method of administering the contract.~~
- h. ~~schedule for the repayment of funds to the rail users and the state.~~
- i. ~~maximum length of the contracts.~~
- j. ~~maintenance of records and audits.~~
- k. ~~other special features of the contract.~~

2. ~~Projects shall be processed and negotiated in order of priority ranking. Projects that are not finalized within a reasonable period of time as judged by the agency may be bypassed and the next lower project negotiated and funded.~~

E. ~~Repayment requirements. The railroad shall reimburse a rail user for funds it has contributed to a project based on a repayment schedule of dollars per carload of freight shipped. The reimbursement which shall be paid at regular intervals shall be based on the total number of railroad cars shipped by rail user until full payment is made. The railroad shall reimburse the state for funds it has contributed to the project in the following manner.~~

1. ~~State funds that are contributed and which are in excess of one third of the total contract amount shall be repaid directly upon the completion of repayment of the rail user and on generally the same basis as the rail user or as agreed upon in the contract.~~

2. ~~State funds contributed up to one third of the total contract amount shall be repaid from revenues received from traffic on the line which exceeds the traffic on the line for the average of the three years prior to rehabilitation. Repayment of this amount shall start upon completion of repayment of rail user funds and state funds in excess of one third of the total contract amount.~~

F. ~~Length of contract. The term of the contract shall be long enough to allow for the repayment of all funds in the contract based on a reasonable projection of potential traffic levels. State contributed funds not repaid by the time the contract expires shall be forgiven. The contract shall be extended in the event of,~~

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## PROPOSED RULES

and for as long as, any cessation of service for any reason or any reduction of service below desirable service level as provided in the contract unless such reduction in service is the result of no demand for service.

G. Separate railroad account. A railroad may be permitted to establish and maintain a separate railroad fund to be used exclusively for rehabilitation of its other rail lines in Minnesota if the railroad can give good cause, such as legal prohibition against repayment, for not making repayment to the State Rail Service Improvement Account. Funds in such separate railroad may only be utilized by the railroad for eligible projects as described in paragraph 14 MCAR § 1.4001 A.2. of these rules, and only if such eligible project would have been funded at that time from the State Rail Service Improvement Account as determined by the State Planning Agency. The agency may require a railroad to deposit or invest the funds according to the instructions of the agency and to deposit all interest and earnings received on such funds into the separate railroad account. A railroad which has funds in separate railroad accounts but which does not have eligible lines to upgrade may return those funds to the State Rail Service Improvement Account as a gift.

H. Program implementation. The agency may receive applications at any time. On January 1, 1977, the agency shall make a determination of eligibility of lines and projects and establish a priority for those projects which are eligible for funding. In the event that new appropriations are made to the program or that funds remain after the disposition of already approved projects, the agency may make public notice, set a new application deadline date, and make a new priority ranking of eligible applications received.

I. Exceptions. In the event of unusual circumstances, exceptions to these rules may be made for any particular rehabilitation contract if agreed to by all parties. No exception shall be made if such exception would be contrary to the intent of the program or if such exception would preclude the equal treatment of competing projects.

### **14 MCAR § 1.4002 Program criteria—post abandonment rail line subsidy programs.**

A. Eligibility. If a rail line is eligible for subsidy payments under the Federal Rail Service Continuation Program it may also be considered eligible for funding under the Minnesota Rail Service Improvement Act.

#### B. Project funding.

1. The commissioner may provide combined state and federal operations subsidy payments of up to 90% of the operational subsidy costs. In no event shall the state and federal operational subsidy payment exceed an amount equal to the amount of the railroad's retained revenue on the line.

2. Rail users shall provide a minimum of 10% of the operational subsidy cost plus any other operational subsidy cost not covered by state and federal operational subsidy payments.

3. Rehabilitation which may be eligible under federal regulations and which is performed in conjunction with opera-

tional subsidy payments, shall conform with 14 MCAR § 1.4001.

C. Priority criteria. The following criteria shall be used to establish the priority of projects eligible for subsidy payments:

1. The availability of state and federal funds.
2. The probability of the rail line becoming profitable upon completion of the project.
3. The costs of the project compared to the benefits resulting from the project.
4. The commitment of rail users to provide their share of the project funding.

### **14 MCAR § 1.4003 Program criteria—capital improvement projects.**

#### A. Eligibility.

1. The commissioner may provide interest-free loans from the Minnesota Rail Service Improvement Account for up to 100% of the cost of a rail transportation related capital improvement project under the following conditions:

- a. State funds are available.
- b. The capital improvement is directly related to an overall rail line rehabilitation acquisition, or operational subsidy project.
- c. The capital improvement project will strengthen the financial condition of the associated rail line.
- d. The state's interests are protected by sufficient collateral or personal guarantees acceptable to the commissioner.
- e. The commissioner shall be repaid for funds loaned at a pre-determined fixed amount payable quarterly over a period not to exceed ten years.

2. The commissioner may provide a grant from the Minnesota Rail Service Improvement Account of up to 50% of the total cost of a capital improvement project if said capital improvement is a demonstration project as defined in these rules, and if the following conditions are met:

- a. State funds are available.
- b. The project demonstrates unique methods of using rail service or alleviating the impact of abandonments that is not in common usage throughout the rail industry or that has not been previously funded under this program.
- c. The general likelihood that a similar project can be instituted in other locations without the need for public financing.
- d. The project includes two or more participant rail users.
- e. The benefits resulting from the project exceed the costs of implementing the project.

### **14 MCAR § 1.4004 Administration of the Minnesota Rail Service Improvement Program.**

A. Provision of information. The railroad and rail users shall

provide the commissioner any pertinent information necessary to achieve proper evaluation and adequate administration of any project under this program. Said information shall include but not be limited to financial data, commodity data, cost data of the project and operations information.

B. Contracts. Executed contracts shall be the documents used to commit funds and implement projects. Contracts shall include but not be limited to the following:

1. The description of and the location of the project.
2. The appropriate plans, standards, specifications, estimated costs, work schedule and completion date.
3. The level of service the railroad will provide during the effective rehabilitation or operations subsidy period, pursuant to applicable Interstate Commerce Commission regulations.
4. Assurances by the railroad that rail line maintenance will be performed during the period of operational subsidy or rehabilitation contract.
5. Provisions for auditing by the commissioner.
6. The requirement to comply with all applicable federal regulations when federal funding is involved in the project.
7. The duration of the contract.
8. Maintenance and availability of records and audits.
9. Payment and repayment schedules when appropriate.
10. The amount of funds and any in-kind participation by each party.
11. Method of administering the contract.
12. A provision for appropriate recapture of state and federal funds.

C. Exceptions. In the event of unusual circumstances, exceptions to these rules may be made for any particular contract if agreed to by all parties. No exception shall be made if such exception would preclude the equal treatment of competing projects.

#### **14 MCAR § 1.4005 Disclosure of information concerning railroad data.**

A. Confidential information defined. Information is deemed to be confidential for the purpose of these rules when the

information collected contains shipping data or commercial or financial information which is required to be kept confidential by the provisions of 49 U.S.C. § 11910.

#### B. Provision of information.

1. The commissioner shall direct all requests for information under the authority of the act to the corporate office of the railroad company. Such requests shall specify the kind of information, the level of detail, the format to be used, and the required date of submittal.

2. Within 20 days from the receipt of the request, the railroad company may if necessary apply for a revision of the time schedule for preparing the information. The commissioner shall approve or disapprove such revision requests within 20 days of the receipt of such requests.

3. If the requested information is not received within the time schedule, the commissioner may make a final demand. The final demand shall be in writing and sent by certified mail to the corporate office of the railroad company. If the information is not received within 60 days of the receipt of the final demand, the commissioner may issue a subpoena to compel production of the information.

4. If the provision of required information results in substantial and unusual costs for the railroad company, it may petition the commissioner for reimbursement of such costs in conjunction with providing the information. Cost shall not be a legitimate reason for refusing information.

C. Use of confidential railroad data. Railroad data entrusted to the department will be used only by department personnel or the authorized agents of the department to implement the purpose set forth in the act.

D. Release of information. Information intended for the restricted use of department personnel will be furnished to persons outside the department only in the following circumstances:

1. The railroad gives written approval to the commissioner to make the information public.

2. The information has already been made public by the action of the railroad or other public authority.

3. The information is aggregated at a sufficient level to obscure the shipping information specific to any individual rail user.

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## **Department of Transportation**

### **Proposed Rules for Implementation of Rail User Loan Guarantee Program**

#### **Notice of Hearing**

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4, in Room 125, State Capitol Building, located on Aurora Avenue (Between Cedar and Park), Saint Paul, Minnesota on March 5th, 1980, commencing at 10:00 a.m. and continuing until all persons have had an opportunity to be heard.

The Commissioner of Transportation has been granted the statutory authority to promulgate rules governing the Rail User Loan Guarantee Program in Minn. Stat. § 222.58 (1978 & 1979 Supp.). The proposed rules would, if adopted, establish a Rail User Loan Guarantee program to aid rail users in obtaining credit for participation in contracts for rail line rehabilitation. Rules are proposed to enable the commissioner to guarantee these loans when made according to the provisions of Minn. Stat. §§ 222.55 to 222.62.

A copy of the proposed rules is attached. Limited additional copies are now available and may be obtained by writing to the Minnesota Department of Transportation (Attention: Sherri Y. Alston, Assistant Commissioner for Public Transportation), 413 Transportation Building, Saint Paul, Minnesota 55155. The proposed rules will be available at the door on the date of the hearing.

The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the department's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to Harry S. Crump, Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone (612) 296-8111 either before the hearing or within five working days after the close of the hearing. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. For those wishing to submit written statements or exhibits it is requested that at least three (3) copies be furnished. In addition, it is suggested to save time and avoid duplication that those persons, organizations or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement on behalf of such interests. All such statements will be entered into and become part of

the record. The rule hearing procedure is governed by Minn. Stat. §§ 15.0411-15.0417 and 15.052, and by 9 MCAR §§ 2.101-2.112 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the hearing examiner.

Twenty-five days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rule. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimum charge.

The department estimates that there will be no cost to local bodies in the state to implement the rule for the two years immediately following its adoption within the meaning of Minn. Stat. § 15.0412, subd. 7(1978).

Notice: any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted or resubmitted to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner, in the case of the hearing examiner's report, or to the agency, in the case of the agency's submission or resubmission to the Attorney General.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including *his own* traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

"Lobbyist" does not include any:

(a) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity.

(b) Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

(c) Individual wholly engaged in selling goods or services to be paid for by public funds;

(d) News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert witness whose testimony is requested by the body before which he is appearing, but only to the extent of preparing or delivering testimony; or

(f) Stockholder of a family farm corporation is defined in § 500.24 subd. 1 who does not spend over \$250 excluding *his own* travel expenses, in any year in communicating with public officials; or

(g) Party or his representative appearing to present a claim to the legislature and communicating to legislators only by the filing of claim form and supporting documents and by appearing at public hearings on the claim.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

January 14, 1980

Richard P. Braun  
Commissioner of Transportation

## **Rules as Proposed (all new material)**

### **14 MCAR § 1.4006 Authority and definitions.**

A. Authority. These rules are adopted pursuant to the provisions of Minn. Stat. §§ 222.55 to 222.62 (1978 & 1979 Supp.).

B. Definitions. The following terms as they appear in these rules shall have these meanings:

1. "Account" means the Rail User Loan Guarantee Account established by Minn. Stat. § 222.57 as amended by Laws of 1979, Ex. Sess., ch. 1, § 40.

2. "Act" means the Rail User Loan Guarantee Act, Minn. Stat. §§ 222.55 to 222.62 (1978 & 1979 Supp.).

3. "Borrower" means any "rail user" as that term is defined in Minn. Stat. § 222.56, subd. 7 (1978).

4. "Capital improvements" means the purchase, rehabilitation or construction of physical facilities or equipment to improve rail service. Operating expenses are not considered capital improvements.

5. "Capital investment" means the cost of labor, materials and other incidental costs of rehabilitation of a rail line, including acquisition of right of way and structures.

6. "Collateral" means the security pledged for the loan which may include but is not limited to land, buildings, machin-

ery, equipment, furniture, fixtures, accounts receivable, marketable securities, cash surrender value of life insurance and assignment of leases or leasehold interests.

7. "Commissioner" means the Commissioner of the Department of Transportation, State of Minnesota.

8. "Department" means the Minnesota Department of Transportation.

9. "Interest adjustment" means that portion of the interest on a guaranteed loan that may be paid by the Commissioner pursuant to Minn. Stat. § 222.58, subd. 5 (1978).

10. "Lender" shall have the meaning given it in Minn. Stat. § 222.56, subd. 4.

11. "Loan" means a loan or advance of credit to a rail user for the purpose of making a capital investment in rail line rehabilitation.

12. "Personal guarantee" means an individual or corporate obligation to repay the loan.

13. "Railroad" means a common carrier by rail as defined by 49 U.S.C. § 1(3), (1970).

14. "Rail line" means a railroad roadbed, right-of-way, track structure and other appurtenances of railroad right-of-way, including, but not limited to, public-use sidings.

15. "Rail user" means any person or entity described by Minn. Stat. § 222.48, subd. 6.

16. "Rehabilitation" means the rebuilding of a rail line or portions thereof and the implementation of other projects that will improve rail service.

### **14 MCAR § 1.4007 Application procedure.**

A. Loans by state or federally chartered banks.

1. All information required to be submitted to the commissioner to support consideration for acceptance as an insured eligible loan shall be submitted in duplicate, and include:

a. A written statement under oath executed by the borrower that the proceeds of the loan will be used solely for participation in contracts for rail line rehabilitation or other capital improvements.

b. A copy of the contract for rail line rehabilitation which must contain:

(1) The identification of the participating parties.

(2) The total amount of the contract for rehabilitation.

(3) The respective share of the amount of the contract for rehabilitation to be provided by each participating party.

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## PROPOSED RULES

(4) The conditions for repayment of the total amount of the contract to the participating parties.

(5) The nature of the capital improvements to be made.

(6) Identity of the escrow agent, if any.

c. The loan application taken by the lender, together with all supporting documents and data, pertinent to the lenders credit consideration, including the following:

(1) Principal amount of the loan and repayment terms.

(2) The collateral offered.

(3) Investigative credit data developed.

(4) Borrower's statement of present financial condition, including schedule of assets, liabilities, capital or net worth and income and expenses and statements for the immediately preceding three fiscal years.

(5) Application of person or persons, if any, making personal guarantee of such a loan together with their statement of financial condition as required in (4) above.

d. The form of the promissory note to be executed, complete except for signatures, and any personal guarantee forms to be executed by a person or persons providing guarantee of repayment of the loan.

e. The form of the security agreements or mortgages to be executed in connection with the loan, complete except for signatures; including the complete legal description of the property, personal or real, to be pledged, supplemented in addition by:

(1) A statement of the collateral's condition, marketability and appraised value, including the source of the appraisal.

(2) A statement of priority of such lien or security interest position based on official records search.

(3) Evidence of insurance coverage against customary perils and the availability of suitable loss payable assignments.

f. A lender's sworn statement to the commissioner which includes:

(1) The citation of Minnesota Statutes under which the interest rate and other expenses in connection with the loan are deemed lawful.

(2) Certification of lender's appraisal and consent to make the loan in the amount applied for which may be conditioned upon the granting of the commitment for insurance by the commissioner.

g. An executed agreement between the lender and borrower that upon granting of the commitment for insurance by the commissioner that:

(1) Funds will be disbursed only under the terms and for the purposes set forth in the application for insurance.

(2) Liens and security interests provided for in the application and documents offered in the application for insurance will be filed, recorded or, otherwise, perfected by the lender.

(3) Reasonable care shall be exercised by the lender or its agents to protect the interest of the State.

(4) A copy of the Notice of Default required by the act to be sent to the borrower within 90 days of default of the loan shall also be sent to any person or persons guaranteeing the loan.

(5) If default is continued for 180 days and borrower has not made arrangements to meet his obligation, the lender shall promptly notify the commissioner of the circumstances of default and file a claim for benefits under the act.

B. Loans by municipalities, county or rural development financing authorities.

1. All information required to be submitted to the commissioner for consideration for commitment to insure any eligible loan shall be submitted in duplicate and include:

a. The information required by Part A, paragraphs 1.a. through g.(3) of this rule.

b. A copy of the application for the revenue bond project together with any attachments required to be submitted to the Minnesota Department of Commerce, Securities Division.

c. Evidence of the approval of the application for the revenue bond project by the Commissioner of Securities.

d. A statement that upon granting of the commitment for insurance by the commissioner that a copy of the Notice of Default required by the act to be sent to the borrower by the trustee within 15 days of the default of the terms of the revenue agreement will also be sent to any person or persons guaranteeing the agreement.

e. A statement that after 90 days, if default continues, the trustee shall file a claim with the commissioner stating the nature of the default.

### **14 MCAR § 1.4008 Requirements for obtaining approval of commitments for insuring loans prior to their execution or disbursement.**

A. Eligibility requirements for loans by state or federally chartered banks; terms.

1. Principal amount. The original bona fide principal amount of any loan shall not exceed:

a. An amount which can be shown to be fully secured by the unencumbered current appraised value of the collateral to be pledged by or on behalf of the borrower; or

b. An amount which can be reasonably documented and shown to be secured by the value found in the personal guarantee up to a maximum proportion of 40 percent of the original bona fide principal with the remaining proportion to be fully secured in the manner prescribed in a. above.

2. Interest rate. The interest rate agreed upon between the borrower and the lender shall be expressed clearly in the loan agreement in annual percentage rate terms and include the manner in which lapsed periods of time are to be calculated for purposes of application of that rate, if interest is to be calculated or collected in intervals of less than one calendar year.

3. Repayment terms. The loan agreement shall provide for repayment terms which:

a. Include a schedule of installment payments of principal and interest which will extinguish the original bona fide principal of the loan over a term not exceeding 15 years from the date of execution of the loan.

b. Include a schedule of periodic installment payments of principal and interest coming due at least each 3 months or such lesser intervals as are reasonably consistent with the revenue income flow determined to support the ability on the part of the borrower to repay the obligation.

c. Provide that the first such installment of principal and interest may be scheduled so as to coincide with the first anticipated revenue.

d. Include language which provides that no refinancing, extension or deferment of the originally contracted obligation as approved for insurance or its security, or otherwise as would operate to modify the original contract terms may be made between the borrower and the lender unless such considerations are in writing and expressly approved by the commissioner.

e. Include language which effectively renders the obligation as documented to be nontransferable as to all or any part of its interests without prior written approval of the commissioner.

4. No loan agreement may be the subject of any extension of time or deferment of originally scheduled installment payments which would result in the final contracted payment of principal or interest or combination thereof to fall due at a date more than 15 years from the date of origin without prior written approval of the commissioner.

B. Eligibility requirements for loans by municipalities, county or rural development financing authorities; terms.

1. Principal amount. The original bona fide principal amount as to the amount insured of any revenue agreement, exclusive of interest and expense shall not exceed:

a. An amount which can be shown to be fully secured by the unencumbered current appraised value of the collateral to be pledged by or on behalf of the borrower, or

b. An amount which can be reasonably documented and shown to be secured by the value found in the personal guarantee up to a maximum proportion of 40 percent of the original bona fide principal with the remaining proportion to be fully secured in the manner prescribed in a. above.

2. Repayment of revenue agreement. The repayment of the revenue agreement shall be such that it will produce income and revenue sufficient to provide for the repayment of principal and interest on all bonds issued thereunder when due.

3. Repayment of revenue agreement: terms. The revenue agreement shall provide for:

a. Repayment terms, including a schedule of installment payments of principal and interest, which will extinguish the original bona fide principal of the bonds over a period not to exceed 15 years from the date of origin.

b. Language which provides that no revision of the revenue agreement may be made between the borrower and the lender unless such revisions are approved by the commissioner.

c. Language which would effectively render the revenue agreement nontransferable as to all or any part of its interest without the expressed approval of the commissioner.

#### **14 MCAR § 1.4009. Interest adjustment.**

A. Eligibility requirements.

1. In order to be eligible for an interest adjustment an applicant must demonstrate inability to obtain a loan at an interest rate of 7% or less from other sources.

2. Only guaranteed loans that comply with 14 MCAR §§ 1.4007 and 1.4008 shall be eligible for interest adjustment.

B. Repayment procedures.

1. The borrower shall reimburse the commissioner for any amounts paid as an interest adjustment within one year after the final payment to a lending institution is due on the loan. The reimbursement to the commissioner may be made in equal installments over the period of one year or in a single payment at the close of that year.

2. If the borrower has no proprietary right in the property to be rehabilitated, then a promissory note shall be negotiated between the borrower and the commissioner prior to the granting of a loan guarantee to insure repayment of the interest adjustment.

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# ADOPTED RULES

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The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has

been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

## Department of Agriculture Food, Meat and Poultry Division

### Adopted Rules for Nonalcoholic Beverages: Definitions, Standards, Restrictions, Labeling, and Manufacturing Requirements

The rules published and proposed at *State Register*, Volume 3, Number 37, pp. 1745-1749, March 19, 1979 (3 S.R. 1745), are now adopted as proposed (3 MCAR §§ 1.4801 through 1.4804). The rules were approved by the Attorney General on December 27, 1979, and filed with the Office of Secretary of State on December 28, 1979.

## Department of Public Safety Driver and Vehicle Services Division

### Adopted Rules Governing Alcohol Related Driver License Revocations

Laws of 1978, ch. 727, § 8, authorizes the Commissioner of Public Safety to promulgate rules to carry out the provisions of Minn. Stat. §§ 169.121 and 169.123 (1978), pertaining to driver license revocations and suspensions resulting from convictions for driving under the influence of alcohol, temporary licenses, limited licenses, hearings and notification to other states. Chapter 727 exempts these rules from the procedures required by Minn. Stat. §§ 15.0411 to 15.052.

Now, therefore, it is ordered that these rules, identified as 11 MCAR §§ 1.4081 to 1.4090 (Driv Lic 81-90), adopted October 2, 1978, and published at *State Register*, Volume 3, Number 25, pp. 1326-1330, December 25, 1978 (3 S.R. 1329) are hereby amended, pursuant to the authority vested in me by Minn. Stat. § 169.128 (1978), by amending rule 11 MCAR § 1.4089 B.2. to read as follows:

**11 MCAR § 1.4089 B.2.** If the revocation relates to the third or subsequent violation within ~~three~~ five years, no limited license may be issued. All driving privileges shall be denied under authority of Minn. Stat. § 171.04(8) until such time as rehabilitation has been established as provided in 11 MCAR § 1.4081.

John P. Sopsic  
Commissioner of Public Safety

## Department of Public Welfare Department of Health Department of Public Safety Executive Divisions

### Adopted Rules of the Minnesota Merit System Governing the Compensation Plan; Salary Adjustments and Increases; and Classification Plan

The rules proposed and published at *State Register*, Volume 4, Number 10, pp. 318-395, September 10, 1979 (4 S.R. 318) are adopted as proposed. (See p. 318, Dept. of Health; p. 333, Dept. of Public Safety; and p. 343, Dept. of Public Welfare.)



**Department of Public Welfare**  
**Department of Health**  
**Department of Public Safety**  
**Executive Divisions**

**Adopted Rules of the Minnesota Merit System Governing the Compensation Plan; the Classification Plan; Separation, Tenure and Reinstatement; and Leaves of Absence**

The rules proposed and published at *State Register*, Volume 4, Number 7, pp. 170-199, August 20, 1979 (4 S.R. 170) are adopted with the amendments shown below. (See p. 170, Dept. of Health; p. 176, Dept. of Public Safety; and p. 178, Dept. of Public Welfare.)

**Amendments as Adopted**

**7 MCAR § 1.250 Leaves of absence.** [Appearing at 4 S.R. 174, 175, Department of Health]

B. Minimum policy.

3. Vacation leave.

a. Upon the satisfactory completion of six full months of service in the Merit System, vacation leave shall accrue to the employee for the time served at the rate of one

working day for each full month of service. No vacation leave shall be accrued or granted during the first six months of service in the Merit System; but upon satisfactory completion of such period, vacation leave shall accrue to the employee for the time served. Unused vacation leave shall accumulate to a total of at least 24 working days. The agency shall determine the time at which vacation leave may be taken.

d. Any employee with six full months of satisfactory service in the Merit System who is separated by layoff, resignation, death, or otherwise shall be paid for the number of working days of unused vacation leave accumulated to his credit.

**12 MCAR § 2.504 Leaves of absence.** [Appearing at 4 S.R. 181, Department of Public Welfare]

B. Minimum policy.

3. Vacation leave.

Upon the satisfactory completion of six full months of service in the Merit System, vacation leave shall accrue to the employee for the time served at the rate of one working day for each full month of service. No vacation leave shall be accrued or granted during the first six months of service in the Merit System; but upon satisfactory completion of such period, vacation leave shall accrue to the employee for the time served. Unused vacation leave shall accumulate to a total of at least 24 working days. The county agency shall determine the time at which vacation leave may be taken.

d. Any employee with six full months of satisfactory service in the Merit System who is separated by layoff, resignation, death, or otherwise, shall be paid for the number of working days of unused vacation leave accumulated to his credit.

ST. PAUL has changed considerably since 1875, when the William King barn stood at what is now the intersection of Bryant Avenue and 39th Street. This old photograph appeared in the January 18, 1936 edition of the *Minneapolis Tribune*.



**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike-outs~~ indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike-outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

# SUPREME COURT

## Decisions Filed Friday, January 18, 1980

**49308/401 Rutherford Harris, et al, vs. State of Minnesota, Appellant, City of Virginia, Independent School District No. 706, Virginia, Minnesota, Oglebay Norton Company, Duluth Missabe and Iron Range Railway Company, et al. St. Louis County.**

An action contesting the validity of a forfeiture for nonpayment of 1932 real estate taxes which was commenced in 1964 and raised no question regarding jurisdiction to enter the tax judgment, is governed by the statute of limitations set forth in Minn. Stat. § 284.09 (1961).

The St. Louis County Auditor in 1943 having filed a certificate of forfeiture containing the information required by Minn. Stat. § 281.23, subd. 8 (1978), plaintiffs' action, commenced in 1964 is barred by Minn. Stat. § 284.09 (1961).

Reversed with directions to reinstate judgment for defendants. Otis, J. Took no part. Todd, J.

**49646/321 In the Matter of the Welfare of T. D. S. Hennepin County.**

Admission of reliable hearsay testimony at a juvenile reference hearing is not contrary to applicable statutes and rules and does not violate constitutional rights to confrontation and due process.

Receipt of the testimony of treatment program caseworkers, initially contacted by the juvenile but called as witnesses by the state, did not deny the juvenile effective assistance of counsel or violate his attorney-client privilege.

Affirmed. Rogosheske, J.

**49602/348 Beverly Roepke, et al, vs. Western National Mutual Insurance Company, Appellant. Rice County.**

On the facts of this case, the most significant of which are that decedent was the president and sole shareholder of the named insured corporation, the vehicles insured by defendant were used as family vehicles and neither decedent nor the members of his household owned any other vehicles, and decedent was defined as an "eligible insured person" in the corporate personal injury protection plan and was defined as an "insured" under the residual liability provisions of the corporate insurance policy, decedent may be construed to be an insured under the no-fault personal injury protection plan of the corporate insurance policy.

Since decedent was an insured under the no-fault provisions of the corporate insurance policy, decedent's survivors may stack the no-fault coverages on six vehicles contained in that policy and recover no-fault survivors' benefits to the extent of their actual loss up to the stacked coverage limits.

Affirmed. Rogosheske, J.

**48291, 48298/319 (1978) John J. Alexander, Respondent-Relator, vs. Kenneth R. LaLonde Enterprises, et al, Relators-Respondents. Workers' Compensation Court of Appeals.**

The Workers' Compensation Court of Appeals did not abuse its discretion in vacating an award made 7 years earlier to petitioner for nursing services performed by his wife where, in the unusual circumstances of the case, it is clear that through no fault of petitioner the nature and value of those nursing services was not actually considered in the original hearing.

The court of appeals' factual determination of the reasonable value of nursing services provided petitioner by his wife has sufficient evidentiary support.

Affirmed. Peterson, J.

**49547/464 Harlan R. Ward vs. National Car Rental System. Appellant. Hennepin County.**

In the absence of evidence that defendant's action in instigating plaintiff's arrest without probable cause were malicious, wilful, or in reckless disregard of plaintiff's rights, punitive damages were improperly awarded.

Affirmed in part, reversed in part. Kelly, J. Took no part, Todd, J.

**49680, 49815/417 Steven Thurman, a minor, by James B. Thurman, his father and natural guardian, and James B. Thurman, individually, Appellants, vs. Pepsi-Cola Bottling Company of Minneapolis and St. Paul, Owens-Illinois, Inc., Merlin Olson, individually and d.b.a. Paul and Larry's Country Boy Market. Hennepin County.**

The statement of an investigating police officer who was the first witness in a trial that an ambulance attendant told him that the plaintiff said he fell and dropped a soda pop bottle was inadmissible hearsay, and its admission was prejudicial error.

In this case, the exclusion of an ambulance attendant's deposition statement about what an investigating police officer told him concerning the cause of the accident was improper under the curative admissibility doctrine.

Reversed and remanded for a new trial on the issue of liability alone. Yetka, J.

**49516/439 Charles I. Nordin, et al., vs. Donald W. Kuno, et al., Appellants. Washington County.**

Under the facts of this case, plaintiffs' use was sufficiently hostile and exclusive to establish a prescriptive easement.

The installation of a propane tank and beginning of semitrailer deliveries and a garbage service did not materially increase the burden on defendants' land so as to start the 15-year statute of limitations running anew.

Affirmed. Yetka, J. Took no part, Otis, J.

**49990/452 Household Finance Corporation vs. Jerry K. Pugh, et al., Appellants. Morrison County.**

Recoupment or reduction of a demand arises where there is an action upon a contract and there has been a breach of that contract, or some divisible part thereof, or obligation connected therewith, such as provided by the Federal Truth in Lending Act (TILA), which is applicable thereto.

The TILA does not preclude a violation of the Act from being used as a defense to a creditor's action brought to enforce the underlying loan obligation.

In the absence of express legislative guidance to the contrary, it appears that utilization of the "recoupment doctrine" would further the purpose of the TILA, and thus we hold that a recoupment defense based on a TILA violation should be permitted, even though the applicable limitation period would bar affirmative relief on the same claim.

Reversed. Scott, J.

**49132/268 Richard J. Warrick, Appellant, vs. Luis Giron, et al., James H. House. Hennepin County.**

The trial court properly refused to allow plaintiff to litigate the issue of informed consent, where plaintiff delayed for more than three years until the middle of trial to introduce the issue, and where necessary witnesses were absent.

The trial court's refusal to submit the doctrine of *res ipsa loquitur* to the jury was not error, where the jury could not have determined from common understanding that the injury-producing event was of a kind which ordinarily would not occur in the absence of someone's negligence.

The "complications conference report" is the record of a review organization, shielded from admission in a civil action by Minn. Stat. § 145.64 (1978), and was properly withdrawn from evidence.

The testimony of defendants and their witnesses as to the results of computer research of medical literature was admissible, where plaintiff contended that the impropriety of the medical techniques performed by defendants was a matter of "common knowledge."

Affirmed. Wahl, J. Took no part, Otis, J.

**49651/402 Appeal of Signal Delivery Service, Inc. from a Final Order of the Minnesota Public Service Commission Denying Petition for Contract Carrier Permit. Signal Delivery Service, Inc., Minnesota Public Service Commission, vs. Brynwood Transfer Company, et al., Appellants. Ramsey County.**

Judicial review of decisions of the Minnesota Public Service Commission granting or denying the issuance of motor carrier permits is limited to determining whether the Commission's findings and conclusions are supported by substantial evidence, whether its decision is lawful and reasonable, and whether its conclusions are arbitrary or capricious.

The decision of the Public Service Commission denying respondent a contract carrier permit must be reversed, where the protesting carriers failed to show they could adequately meet the shipper's needs, there was no evidence that granting the authority to respondent would adversely affect the protesting carriers, and the Commission's order improperly insulated existing carriers against new competition.

Affirmed. Wahl, J.

**49037/274 (1978) In the Matter of the Application for the Discipline of William B. McCallum, an Attorney at Law of the State of Minnesota. Supreme Court.**

Attorney convicted of failure to timely file his personal income tax returns for the years 1974 and 1975 presented mitigating circumstances sufficient to warrant probation instead of suspension or disbarment. *In re Bunker*, 294 Minn. 47, 199 N.W.2d 628 (1972).

Five years probation ordered. Per Curiam.

# STATE CONTRACTS

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Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any

consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

## Department of Economic Security Office of Statewide CETA Coordination

### Notice of Request for Proposals for Operation of CETA/Education Model Linkage Projects

The Minnesota Department of Economic Security, Office of Statewide CETA Coordination, is requesting proposals to operate CETA/education model linkage projects. Section 202(d) of the Comprehensive Employment and Training Act Amendments of 1978 (CETA) authorizes funds to be utilized "for encouraging coordination and establishing linkages between CETA prime sponsors and appropriate educational agencies and institutions."

Cost: \$170,000 will be available to fund four to eight model linkage projects to operate from April 1980 to December 31, 1980.

Request for Proposal applications are available upon request. Inquiries and requests should be directed to:

James F. Korkki  
Office of Statewide CETA Coordination  
690 American Center Building  
St. Paul, Minnesota 55101  
(612) 297-2059

Request for Proposal applications will be accepted until 4:30 p.m., Friday, February 29, 1980.

## Department of Economic Security Vocational Rehabilitation Division

### Notice of Availability of Contract for Management Consultation

The Minnesota Department of Economic Security, Division of Vocational Rehabilitation, requires the services of a qualified

management consultant to assist it in analyzing and evaluating its management and administrative structure. The consultant will be required to prepare a report which should include, at a minimum, recommendations on the following issues:

1. The overall organization structure with major emphasis on management and administration and with minimal attention to field operations.
2. The alignment of management and administrative activities.
3. The identification of management and administrative positions necessary for the effective operation of the division.
4. Job specifications for the management level positions.

The division has estimated that the cost of this project should not exceed \$9,000.00 for professional services and expenses.

Firms desiring consideration should call or write for a copy of the request for proposal. Responses must be submitted before February 18, 1980 to be considered. Firms based in the State of Minnesota will be given first consideration.

Firms desiring a copy of the request for proposal should contact:

Gary Belisle, Acting Director of Program and Management Support  
Division of Vocational Rehabilitation  
Third Floor, Space Center Building, 444 Lafayette Road  
St. Paul, Minnesota 55101  
Telephone (612) 296-9981

## Department of Education School Management Services Division

### Notice of Availability of Contract for Review of Personnel and Payroll System

The Minnesota Department of Education requires the services of a qualified individual or organization to review the personnel and payroll system which was developed for use by the elementary, secondary, and vocational school system.

The review activities which will be provided under contract, are outlined in detail in the Request for Proposals (RFP) statement of work. The formal RFP may be requested and inquiries should be directed to:

Erv Chorn  
Education Data Systems Section  
803 Capitol Square  
550 Cedar Street  
St. Paul, MN 55101

It is anticipated that the activities to accomplish this review will not exceed \$10,000.

The deadline for the submission of completed proposals will be the close of the working day, February 18, 1980. A bidders conference will be held at 3:00 p.m., February 5, 1980 at Room 716, Capitol Square Building.

## Department of Education Instruction Division

### Notice of Opening for Writer to Develop Energy Information Booklet for Teachers

Correction of notice appearing in January 14, 1980 issue of *State Register* which contained incorrect dates for response and for beginning project. Corrected notice as follows:

A writer is needed to produce an energy "primer." The primer will be used by teachers to find out about basic energy information and concepts and to anticipate student questions about energy, its nature, its application, and its impact on society. Starting in March 14, 1980, the writer will:

- a. Review department-generated energy curriculum materials in order to assess levels and topics covered.
- b. Develop an outline that covers basic facts and concepts relating to the nature and application of energy as they are covered in the elementary curriculum.
- c. Based on steps one and two above, the writer will attempt to anticipate questions commonly asked by students about energy. The writer will have to interview teachers who have taught energy units.
- d. Upon approval of steps a-c above, the writer will present either camera ready copy or complete printing specification including art work.

The writer must have had teaching experience at some level, and/or educational writing experience and have a physical science background sufficient to do the tasks outlined above.

The estimated cost of the project is \$8,000-\$10,000 covering the primer text, format, and art work. Interested persons are invited to send vitae and samples of their work to Mr. Thomas Ryerson, Room 518, Department of Education, Capitol Square Building, St. Paul, MN 55101 by February 15, 1980.

## Metropolitan Council

### Notice of Request for Proposals for Engineering Services

Notice is hereby given that the Metropolitan Council is requesting proposals to evaluate the effect that sewer extensions tributary to the Metro Plant have on the performance and effluent quality of the plant. All proposals must be received no later than 4:00 p.m., February 14, 1980.

Copies of the Request for Proposals may be obtained from the Metropolitan Council, 300 Metro Square Building, St. Paul, Minnesota 55101.

Inquiries regarding this request should be directed to James L. Frost, Contract Manager (612) 291-6519.

## Minnesota Community College System Minneapolis Community College

### Notice of Availability of Contract for Development of Promotional Campaign

Minneapolis Community College requires the services of a qualified consultant to implement a promotional campaign developed for the "College for Working Adults."

Implementing the promotional campaign shall include the following:

1. The consultant will be responsible for all copy writing, advertising, design and layout, photography, media selection and placement.
2. In addition, the consultant shall be responsible for production of other promotional materials where needed such as posters, direct mail, public service announcements, and news releases.
3. The estimated cost of the contract is \$28,900.

Final submission date for completed proposals is Monday, February 11, 1980 at 4:30 p.m.

For further information contact:

James B. Field  
Associate Dean of Instruction  
Minneapolis Community College  
1501 Hennepin Avenue  
Minneapolis, MN 55403  
(612) 341-7092

## STATE CONTRACTS

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### Department of Public Safety Office of Public Information

#### Notice of Availability of Television Public Service Filming Contract

The Department of Public Safety is seeking proposals for filming and producing ten 30-second television public service

announcements to increase Minnesota citizens' knowledge about traffic safety. Details of the plan for filming and production of the Public Service Announcements are contained in a Request for Proposal. Copies of the Request for Proposal may be obtained at the Department of Public Safety, Office of Public Information, 318 Transportation Building, St. Paul, MN 55155.

Estimated cost of the contract is \$14,000. Final date for requesting the RFP is February 18, 1980.

## OFFICIAL NOTICES

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Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject,

either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

### Department of Agriculture Agronomy Services Division

#### Notice of Special Local Need Registration for Pramex 13.3% Emulsifiable Concentrate

Pursuant to Minn. Stat. § 18A.23 and 3 MCAR § 1.0338 B., the Minnesota Department of Agriculture on January 18, 1980 issued a Special Local Need Registration for Pramex 13.3% Emulsifiable Concentrate manufactured by Penick Corporation, Orange, New Jersey 07050.

The Commissioner of Agriculture, based upon information in the application, has deemed it in the public interest to issue such a registration, and has deemed that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects.

This Special Local Need Registration permits the use of this pesticide for the control of Leafminers on Chrysanthemums grown in greenhouses and slathouses.

The application and other data required under Minn. Stat. §§ 18A.22, subd. 2 (a-d), 18A.23, and 40 CFR 162.150-162.158, subpart B relative to this registration (identified as SLN # MN 80-0001) is on file for inspection at:

Minnesota Department of Agriculture  
Pesticide Control Section  
90 West Plato Blvd.  
Saint Paul, Minnesota 55107  
(612) 296-8379

A federal or state agency, a local unit of government, or any person or group of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age has 30 days to file written objections with the Commissioner of Agriculture regarding the issuance of This Special Local Need Registration. Upon receipt of such objections and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner of Agriculture shall order a hearing pursuant to Minn. Stat. ch. 15 for the purpose of revoking, amending, or upholding this registration.

January 18, 1980

Mark W. Seetin  
Commissioner of Agriculture

#### Notice of Special Local Need Registration for Ramrod Flowable

Pursuant to Minn. Stat. § 18A.23 and 3 MCAR § 1.0338 B., the Minnesota Department of Agriculture on January 18, 1980 issued a Special Local Need Registration for Ramrod Flowable Herbicide manufactured by Monsanto Company, St. Louis, MO 63166.

The Commissioner of Agriculture, based upon information in the application, has deemed it in the public interest to issue such a registration, and has deemed that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects.

This Special Local Need Registration permits the use of this pesticide for the control of certain grassy and broadleaf weeds in corn and peas.

The application and other data required under Minn. Stat. §§ 18A.22, subd. 2 (a-d), 18A.23, and 40 CFR 162.150-162.158, subpart B relative to this registration (identified as SLN #MN 80-0002) is on file for inspection at:

Minnesota Department of Agriculture  
Pesticide Control Section  
90 West Plato Blvd.  
Saint Paul, Minnesota 55107  
(612) 296-8379

A federal or state agency, a local unit of government, or any person or group of persons filing with the Commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age has 30 days to file written objections with the Commissioner of Agriculture regarding the issuance of This Special Local Need Registration. Upon receipt of such objections and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner of Agriculture shall order a hearing pursuant to Minn. Stat. ch. 15, for the purpose of revoking, amending, or upholding this registration.

January 18, 1980

Mark W. Seetin  
Commissioner of Agriculture

## **Department of Commerce Insurance Division**

### **In the Matter of Petitions for Hearing Challenging Certain Manual Rules Adopted by the Commissioner of Insurance, Docket No. INS-80-003-MG**

#### **Notice of Hearing**

Notice is hereby given that a public hearing regarding the above entitled matter will be held in the hearing room at 500 Metro Square Building, Seventh and Robert Streets, Saint Paul, Minnesota, on July 14, 1980 at 9:00 a.m. and continue until all parties have had an opportunity to be heard.

Further, notice is hereby given that the deadline for intervention in this matter as a party shall be January 31, 1980.

The hearing in this matter will be held for the purpose of determining whether certain provisions of the Workers' Compensation Employer's Liability Insurance Manual (herein after "Manual") should be adopted. More specifically the hearing will be held to determine (1) whether a wage base formula for remuneration in Part VI of the Manual relating to basis of premium should be adopted, (2) whether the experience rating plan previously in effect from 1961 to January, 1971, should be reinstated, and (3) whether the manual rules covering standard

exceptions found in Part VII, paragraph 8, relating to the determination of remuneration for independent truckers should be adopted.

The hearing will be conducted pursuant to the contested case procedure set forth in Minn. Stat. §§ 15.0411-15.0412 (1978), and Minn. Stat. § 79.071 (1978), and pursuant to the rules of contested case procedures adopted by the Minnesota Office of Hearing Examiners, 9 MCAR §§ 2.201-2.222. Throughout the proceedings in this matter, the parties may be represented by legal counsel or a person or representative of its choice, if not otherwise prohibited as the unauthorized practice of law. Questions concerning the hearing should be directed to Hearing Examiner Myron Greenberg or to Special Assistant Attorneys General James C. Selmer or Reynaud L. Harp, 11th Floor, Bremer Towers, St. Paul, Minnesota, telephone (612) 296-9412.

January 21, 1980

Michael D. Markman  
Commissioner of Insurance

## **Ethical Practices Board**

### **Advisory Opinion #60 Regarding Allocating Expenditures and Aggregating Contributions**

Approved by the Ethical Practices Board on January 9, 1980

#### **Issued to:**

Senator Roger Strand, Chairman  
7th Congressional District DFL Senate Caucus  
24 State Capitol  
St. Paul, MN 55155

#### **Summary**

60. The 7th Congressional District DFL Senate Caucus Committee is not a subdivision of a political party as defined by Minn. Stat. § 10A.27, subd. 4, and 9 MCAR § 1.0017, therefore the committee is considered a political committee, other than a political party committee. The treasurer of the committee shall allocate expenditures on behalf of the officeholders and candidates on a reasonable cost basis and report the allocation to the candidate and/or the treasurer of his principal campaign committee. Contributions from the same source to the 7th Congressional District DFL Senate Caucus Committee and to the officeholders' separate principal campaign committees shall not be aggregated together to determine the applicable contribution limit as defined by Minn. Stat. § 10A.27, subd. 1.

The full text of the opinion is available upon request from the office of the State Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155, (612) 296-5148.

## **Department of Health Emergency Medical Services Section**

### **Notice of Filing of Application for Licensure by Bio Medical Research Associates, Inc., and Notice of Public Hearing**

Notice is hereby given that on May 23, 1979, Bio Medical Research Associates, Inc., filed application with George R. Pettersen, M.D., Commissioner of Health, for a license to operate an air life support transportation service ('emergency air service') in St. Paul, Minnesota. This notice is made pursuant to Minn. Stat. § 144.802 (Supp. 1978). Please be advised that subd. 2 of that statute states, in part: The Commissioner may grant or deny the license 30 days after notice of the filing has been fully published. If the Commissioner receives a written objection to the application from any person within 20 days of the notice having been fully published, the license shall be granted or denied only after a contested case hearing has been conducted on the application. The Commissioner may elect to hold a contested case hearing if no objections to the application are received. If a timely objection is not received, the Commissioner may grant or deny the requested license based upon the information contained in the license application. If licensure is denied without hearing, the applicant, within 30 days after receiving notice of denial, may request and shall be granted a contested case hearing upon the application, at which hearing all issues will be heard de novo. Any objections to this service pursuant to Minn. Stat. § 144.802 (Supp. 1978) may be made in writing to George R. Pettersen, M.D., within the time period outlined by statute.

Notice is hereby further given that the Commissioner of Health has determined that a contested case hearing shall be held to determine whether the public convenience and necessity require the above-referenced proposed ambulance service.

This proceeding has been initiated pursuant to and in satisfaction of the requirements of Minn. Stat. § 144.802 and pursuant to the Administrative Procedure Act and the rules for contested cases of the Office of Hearing Examiners, HE 201-222.

1. It is ordered and notice is hereby given that a hearing will be held on this matter at the Minnesota State Hearing Examiner's Office, 1745 University Ave., St. Paul, Minnesota, on the twenty-eighth day of February, 1980, commencing at 9:30 a.m. All interested persons are hereby urged to attend. Failure to do so may affect your rights in this matter. The issues to be determined are whether the public convenience and necessity require the above-referenced proposed ambulance service and whether or not an ambulance service license should be granted to this service.

2. Mr. George Beck, Minnesota Office of Health Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota, 55104 (telephone: 612/296-8108) will preside at this hearing.

3. Any party will be given opportunity to be heard orally, to present witnesses and to submit evidence, written data, statements or arguments in these proceedings. The hearing and the decision will be controlled by the Administrative Procedure Act and the rules of the Minnesota Office of Hearing Examiners, HE 201-222. The Commissioner of Health will request that the chief hearing examiner assign a court reporter to transcribe the testimony taken at the hearing.

4. The hearing examiner may hear testimony and receive exhibits from any person at the hearing, or allow a person to note his appearance, but no person shall become, or be deemed to have become, a party by reason of such participation.

5. All parties are hereby informed of their right to be represented by counsel in these proceedings.

6. William G. Miller, Special Assistant Attorney General, University Park Plaza Building, 2829 University Avenue, Minneapolis, Minnesota 55414 (telephone: 341-7272), or Diane Newberg, Section of Emergency Medical Services, Minnesota Department of Health, 717 Delaware St. S.E., Minneapolis, Minnesota 55440 (telephone: 612/296-5281), may be contacted for further information on this matter, for discovery pursuant to HE 214, or for an explanation of the process by which one can intervene as a party in this matter.

## **Minnesota State Retirement System**

### **Regular Meeting, Board of Directors**

Regular quarterly meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, February 22, 1980, at 9:00 a.m. in the office of the system, 529 Jackson Street, St. Paul, Minnesota.

## **Department of Natural Resources Soil and Water Conservation Board**

### **Notice of Meeting Cancellation**

The Minnesota Soil and Water Conservation Board has cancelled their regular monthly meeting for February. The board will resume their regular schedule on March 11, 1980.



## **Board of Nursing**

### **Notice of Meetings and the Availability of Information Pertaining to Adjudicatory Actions of the Board**

The Board of Nursing will meet on the following dates during 1980 at the locations specified:

February 7 and 8	717 Delaware St. SE, Mpls., MN
March 27 and 28	717 Delaware St. SE, Mpls., MN
May 29 and 30	717 Delaware St. SE, Mpls., MN
July 31 and August 1	Hibbing, MN
October 2 and 3	717 Delaware St. SE, Mpls., MN
December 4 and 5	717 Delaware St. SE, Mpls., MN

The public is cordially invited to attend the meetings. For additional information or questions with regard to time, location or agenda, please contact the Board of Nursing, 717 Delaware St. SE, Mpls., MN 55414, telephone (612) 296-5493.

The adjudicatory (disciplinary) actions taken by the Board of Nursing against professional nurses (RNs) and practical nurses (LPNs) are available to the public following each board meeting. A list of actions will be mailed upon receipt of a written request. Public documents are available for review at the board office Monday through Friday between 8:00 a.m. and 4:30 p.m. Address requests to Joyce M. Schowalter, RN, Executive Secretary, Minnesota Board of Nursing, 717 Delaware St., SE, Mpls., MN 55414.

## **Department of Public Welfare Chemical Dependency Division**

### **Notice Of Intent To Solicit Outside Opinion Concerning Licensing and Operation of Receiving Centers for Intoxicated Persons**

Notice is hereby given that the Minnesota Department of Public Welfare is considering draft amendments to **12 MCAR § 2.032 Licensing and operation of receiving centers for intoxicated persons**. This rule governs licensing and operation of receiving centers, also known as sub-acute detoxification centers, by authority of the Public Welfare Licensing Act, the Administrative Procedure Act, §§ 254A.08 and 254A.10.

The proposed changes may include revisions or deletions of any portion of the existing rule; together with additions govern-

ing administration, community input, staffing patterns, and client services.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Wayne Raske, Detoxification Coordinator  
Chemical Dependency Program Division  
4th Floor, Centennial Office Bldg.  
658 Cedar Street  
St. Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-2174.

All statements of information and comment must be received by April 1, 1980. Any written material received by the department shall become part of the hearing record.

## **Department of Transportation**

### **State Rail Plan Meetings**

In response to federal law and regulations, the Minnesota Department of Transportation (Mn/DOT) has updated its State Rail Plan. A draft of this document is available for public review beginning February 1, 1980 in each Regional Development Commission office and in each Department of Transportation District Office. The locations are:

#### **Mn/Dot Offices**

##### **District 1**

1123 Mesaba Ave.  
Duluth, Mn. 55811  
(218) 723-4803

##### **District 2**

Washington & 4th St. So.  
Bemidji, Mn. 56601  
(218) 755-3815

##### **District 3**

301 Laurel St.  
Brainerd, Mn. 56401  
(218) 829-3553

##### **District 4**

1000 West T. H. 10  
Detroit Lakes, Mn. 56601  
(218) 847-4401

##### **District 5**

2055 No. Lilac Drive  
Golden Valley, Mn. 55422  
(612) 545-3761

##### **District**

North Highway 52  
Rochester, Mn. 55109  
(507) 288-2661

## OFFICIAL NOTICES

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### Regional Development Commission

Northwest Regional Development Commission  
425 Woodland Ave.  
Crookston, Mn. 56716  
(218) 281-1396

Headquarters Regional Development Commission  
Mental Health Building  
Box 584  
Bemidji, Mn. 56601  
(218) 751-3108

Arrowhead Regional Development Commissions  
200 Arrowhead Place  
211 W. Second St.  
Duluth, Mn. 55802  
(218) 722-5545

West Central Regional Development Commission  
Administration Building  
Fergus Falls Community College  
Fergus Falls, Mn. 56537  
(218) 739-3356

Region Five Development Commission  
611 Iowa Avenue  
Staples, Mn. 56479  
(218) 894-3233

Region Six End Development Commission  
City Auditorium  
311 West 6th Street  
Willmar, Mn. 56201  
(612) 235-8504

Upper Minnesota Valley Regional Development Commission  
323 W. Schlieman  
Appleton, Mn. 56208  
(612) 289-1981

East Central Regional Development Commission  
119 South Lake Street  
Mora, Mn. 55051  
(612) 679-4065

Central Minnesota Regional Development Commission  
2700 1st Street North  
St. Cloud, Mn. 56301  
(612) 253-7870

Southwest Regional Development Commission  
Peoples State Bank  
25th & Broadway  
Slayton, Mn. 56172  
(507) 836-8549

Region Nine Development Commission  
120 South Brand Street  
Mankato, Mn. 56001  
(507) 387-5643

Southeastern Minnesota Regional Development Commission  
301 Marquette Bank Building  
South Broadway at 2nd Street S.E.  
Rochester, Mn. 55901  
(507) 285-2550

Metropolitan Council  
300 Metro Square Building  
7th & Robert Streets  
St. Paul, Mn. 55101  
(612) 291-6359

The major elements of the 1979 State Rail Plan are an explanation of the background of rail planning; a description of general planning activities, processes, and policies; a description of the state rail system; identification of eligible lines, explanation of analysis methodology, and presentation of analysis results; description of project programming; and an explanation of future directions in rail planning.

Public meetings to solicit comments on the plan will be held as indicated.

February 12, 7:00 PM	Holiday Inn Chewadala Room 1212 Highway 35 North Owatonna, Mn. 55060
February 13, 7:00 PM	Cafeteria Transportation Building John Ireland Boulevard St. Paul, Mn. 55155
February 14, 7:00 PM	Southwest State University Lecture Hall Room 201 Marshall, Mn. 56258
February 19, 7:00 PM	Bemidji Area Vocational School Roosevelt and Pershing (Off T.H. 2 East) Bemidji, Mn. 56601
February 21, 7:00 PM	Council Chambers Alexandria City Hall 114 7th Avenue West Alexandria, Mn. 56308

If you cannot attend the public meeting written comments may be sent to:

Minnesota State Rail Plan  
Room 820  
Transportation Building  
St. Paul, Mn. 55155

Richard P. Braun  
Commissioner

STATE OF MINNESOTA  
OFFICE OF THE STATE REGISTER

Suite 415, Hamm Building  
408 St. Peter Street  
St. Paul, Minnesota 55102  
(612) 296-8239

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